

Notice of Allowability

Application No.

10/670,202

Examiner

Hugh B. Thompson II

Applicant(s)

BATTENBERG, WILLIAM D.

Art Unit

3634



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Telephone Interview if 11-4-04.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 9-26-03
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 11-4-04.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

HUGH B. THOMPSON II
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Donald Schoonover on November 4, 2004.

The application has been amended as follows:

In the Abstract:

In line 3, "housing means" has been changed to --a housing--.

In lines 4 and 6, "means" has been deleted.

In line 5, "ladder means" has been changed to --a ladder--.

In line 6, "a ladder having" has been deleted.

In lines 9, 12, 15, and 16, "means" has been changed to --mechanism--.

In the Claims:

Claim 1, line 3, "housing means" has been changed to --a housing--.

Claim 1, lines 4 and 10, "means" has been deleted.

Claim 1, line 9, "ladder means" has been changed to --a ladder--.

Claim 1, lines 10-11, "a ladder having" has been deleted.

Claim 1, lines 14 and 18, "structured to", has been changed to --for--.

Claim 1, lines 15 and 19, "displace" has been changed to --displacing--.

Claim 1, line 23, “structured to operatively control”, has been changed to –for controlling--.

Claims 2-9, line 1, “A”, has been changed to –The--.

Claim 2, line 2, “housing means includes a”, has been deleted, and “having” has been changed to –has--.

Claim 3, line 3, “a first ladder”, has been changed to --the first ladder--.

Claim 4, line 1, “1” has been changed to --3--.

The following is an examiner’s statement of reasons for allowance: the primary reason for the allowance of claims 1 and 10, is the inclusion of the first and second deploying means/mechanism, the first means/mechanism having a motor mounting mechanism mounted to an end of the housing mechanism, a first mechanism mounted to the motor mounting mechanism and having a first output shaft, and a drive mechanism connecting the first motor mechanism to the first ladder section; and the second means/mechanism having a second motor mechanism mounted to the first ladder section and having a second out put shaft, and a second drive mechanism connecting the second motor mechanism to the first and second ladder sections to displace the second and third ladder sections to and from the partially deployed and fully deployed configurations. Also see the specification pages 5 and 6. The prior art of record fails to teach or suggest the claimed features absent the applicant’s own disclosure.


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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hugh B. Thompson II whose telephone number is (703) 305-0102. The examiner can normally be reached on Monday thru Friday 9 am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (703) 308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Hugh B. Thompson II
Primary Examiner
Art Unit 3634

November 8, 2004